

Appl. No. 10/642,464

REMARKS

Claims 1 through 10 are pending in the present application. Applicant asserts that claims 1 through 10 are patentable over the prior art, particularly those references cited by applicant and considered by the Examiner in this case, with the possible exception of a determination of priority with regard to claims 1 through 6 in light of the Wu patent. Claims 7 through 10 are asserted to be in condition for allowance, while claims 1 through 6 may require cancellation from the present application in light of the possibility of an interference between those claims and the Wu patent. Accordingly, favorable reconsideration and an indication of allowability for claims 7-10 is respectfully requested.

As brief background, claims 1 through 6 were originally submitted as copied from the Wu patent in order to provoke an interference. To date an interference with the Wu patent has not been declared. On or about April 25, 2006, applicant received a first action Notice of Allowance for claims 1 through 6. Subsequent phone discussions between the undersigned and Examiner Lim called out the possibility of an interference, and accordingly the Notice of Allowance was withdrawn on or about June 9, 2006. After numerous telephone calls between the undersign and Examiners Lim, Burgess, Tran, and Maung, and Director Paul Sewell, and in light of the Notice of Allowance, it was concluded that applicant would submit draft claims for consideration by the Examiner, possibly in place of the interfering claims. This claims was discussed with the Examiner in a telephone interview on August 23, 2006, during which the features of the proposed claim which distinguish over the Wu patent were highlighted. Following this discussion, it was agreed that applicant would submit this preliminary amendment, with the discussed claim as the primary independent claim, for consideration by Examiner Lim.

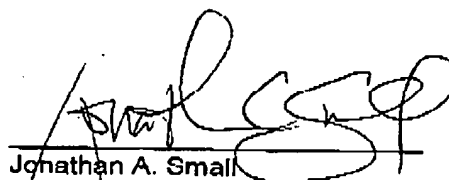
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Claim 7 submitted herein is the very claim discussed with Examiner Lim during the telephone interview of August 23, 2006, as amended per his suggestions during that interview. While, again, there is no office action to which applicant can respond at this point, applicant asserts that the features of the various claims, such as that "particular logical components [are] dependent upon the identity of the user" (claim 7, line 7) are not found nor suggested by the Wu patent. Thus, the proposed claims are asserted to be patentably distinct from the Wu patent (notwithstanding that the priority date of the present application predates the priority date of the Wu patent by more than 1 year). It should also be noted that the amendment to the specification is as proposed by Examiner Lim in the Notice of Allowability, repeated here as that amendment may not have been entered due to the withdrawal of this case from issuance.

Should claims 7 through 10 be considered allowable, applicant is willing to cancel claims 1-6 and withdraw its letter dated August 15, 2003, requesting an interference with U.S. Patent No. 6,510,451 (Wu).

If the Examiner believes that a telephone conference would expedite prosecution and allowance of this application, please telephone the undersigned at 650-941-4470.

Respectfully submitted,



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